

## **REMARKS**

Claims 1-11 are pending in the application with claims 1, 2, and 11 being the independent claims. Claims 1 and 5 are amended. Claims 6-11 are new. These amendments and new claims are fully supported by the specification, claims, and drawings as originally filed. Claims 2-5 are allowed.

The Advisory Action dated July 15, 2004 indicated that claims 2-5 are allowed and that claim 1 stands rejected for the same reasons set forth in the Office Action dated February 9, 2004.

### **Support for Amendments**

Claim 1 is amended to recite a wedge-shaped element having a fixed part and a movable part, the movable part being movable relative to the fixed part in a direction having a component parallel to said guide rail. Support for this amendment may be found in the specification, which states that the movable part 3a is raised along an inclined face of the fixed part 3b. See Specification, page 14, lines 22-25. The inclined face is inclined relative to the guide rail. See e.g., FIG. 1. As it raises along the inclined face, the position of the movable part 3a changes in the horizontal direction so that the movable part approaches the fixed part 3b, moving away from the guide rail. See Specification, page 14, line 24-page 15, line 1. Because the movable part moves along the inclined face, the movable part not only moves away from the guide rail (the horizontal direction), but also moves along the guide rail (the vertical direction, parallel to the guide rail).

### Claim Rejections Under 35 U.S.C. § 102(b)

In the Office Action of February 9, 2004, claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by German patent DE 498917 ("the '917 patent"), as being anticipated by Soviet Union patent SU 659503 ("the '503 patent"), and as being anticipated by U.S. Patent No. 5,159,995 to Sissala et al. ("Sissala").

According to M.P.E.P. § 2131, "to anticipate a claim, the reference must teach every element of the claim." Further, a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Id.* (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Based on the figures, the '917 patent appears to teach an elevator stopping device in which a planar surface of a system (b) engages an elevator guide rail (p). The '917 patent appears to disclose a wedge block (a) including a recess housing a system (b). As the system (b) contacts the guide rail (p), the system (b) appears to move into the recess in the wedge block (a), thereby compressing springs (c) located between the system (b) and the back of the recess in wedge block (a). See the '917 patent, FIGs. 2 and 3.

Based upon the English translation and figures, the '503 patent discloses a "safety device for decelerating a lift cabin." See '503 patent translation, title. The safety device includes "wedges 1, mounted so as to allow for straight vertical motion within the body 2." '503 patent translation, page 1. As the lift cabin falls, the wedges (1) are moved upward into the body (2), and the shoes (5) move in relation to pegs (12), away from a rigid guide (7). Springs (6) press the wedges (1) against the rigid guide (7), thus

applying a braking force to decelerate the motion of the lift cabin. See Translation, page 2.

Sissala discloses a wedge (2) that can move upward in relation to a wedge housing (1). As this occurs, the wedge (2) forces the wedge housing (1) to move laterally. As a result of this lateral motion, the braking surface of the wedge (2) on the opposite side touches the guide rail (11) and the wedge (2) continues moving upwards in relation to the housing (1), which in turn continues moving laterally until it reaches the set limit. See Sissala, column 2, lines 32-46. Centering springs are placed on one side of the gear housing (1). See Sissala, column 2, lines 22-24. These centering springs appear to apply a restoring force, pressing the gear housing (1) against the guide rail (11).

Claim 1 is directed to an elevator emergency stop device for an elevator cage guided on a guide rail, with all its recited features, including a wedge-shaped element having a fixed part and a movable part, the movable part being movable relative to the fixed part in a direction having a component parallel to said guide rail.

None of the three cited references disclose such a stopping device. The '917 patent appears to disclose a wedge block (a) having a recess. A system (b) may be moveable into the recess, compressing springs (c). However, any movement of system (b) relative to wedge block (a) is in a direction perpendicular to the guide rail. Therefore, the '917 patent does not disclose the invention of claim 1.

The '503 patent also does not disclose the features of claim 1. The '503 patent discloses wedges (1) that move into the body (2). Springs (6) press the wedges (1) against the rigid guide (7) to apply a braking force. However, the '503 patent does not

disclose a wedge-shaped element having a fixed part and a movable part. Therefore, the '503 patent does not disclose the invention recited in claim 1.

Sissala also does not disclose all the features of claim 1. Sissala discloses a one-piece wedge movable relative to the elevator cage. The one-piece wedge disclosed in Sissala does not have a fixed part and a moveable part. Therefore, Sissala does not disclose the invention recited in claim 1.

Because none of the '917 patent, the '503 patent, and Sissala disclose all the features of claim 1, claim 1 is not anticipated. Accordingly, Applicant respectfully requests that the Examiner pass claim 1 to allowance.

#### New Claims

New claims 7-9 depend from base claim 1 and include some subject matter similar to some of the subject matter of original claims 3-5. Claims 6 and 10 also depend from base claim 1. Accordingly, claims 6-10 are allowable for at least the reasons discussed above.

New claim 10 recites a wedge-shaped element including a fixed part, a movable part movable relative to the fixed part, and a resilient member configured to influence movement of the moveable part in a direction having a component substantially parallel to the guide rail. None of the cited art discloses such features. Applicant respectfully requests that the Examiner consider and allow these claims.

#### Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests the timely allowance of the pending claims.

For the reasons set forth in Applicant's Amendment After Final, filed May 18, 2004, Applicant continues to contend that none of the three cited references disclose a system configured to maintain a braking force at a substantially constant level.


Although the arguments are not reiterated herein, Applicant reserves the right to appeal the examiner's rejection of any claim reciting that feature and/or pursue such claims in a continuing application

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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